IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

...

WRIT PETITION NO.10207 OF 2004

...

Jairam M. Naidu ...Petitioner

v/s.

The Board of Trustees of Port

of Bombay ...Respondent

...

Mr.P.R.Naidu for the Petitioner.

Mr.U.J.Makhija i/b Motiwala & Co. for the Respondent.

...

CORAM: D.K.DESHMUKH, J.

DATED: 4TH JULY, 2007

P.C.:

1. The learned Counsel for the Petitioner informs that the Petitioner is no more. He has taken out a

civil application for bringing legal heirs of the Petitioner on record. That Civil application is granted. Petitioner to carry out amendment within two weeks from today.

2. There is a decree of eviction passed by the Small Causes Court. The land admittedly belongs to Bombay Port Trust. The submission of the learned Counsel appearing for the Petitioner is that because the land belongs to Bombay Port Trust, an order of eviction can be taken under the Public Premises Act and the civil suit would not lie and the Small Causes Court will have no jurisdiction to pass a decree of eviction against the tenant. The proceedings against a person who is unauthorisedly occupying the public premises under the Public Premises Act is an option available to the authority. That does not take away the jurisdiction of the Small Causes Court in a suit instituted by the landlord for a decree of eviction against the tenant. Therefore, there is no substance in the petition. Petition disposed of.